

PROVO RIVER DISTRIBUTION SYSTEM

MINUTES OF SPECIAL MEETING HELD

January 14, 1971

Pursuant to the Notice from the office of the State Engineer, and to call by the Chairman, the Board of Directors of the Provo River Distribution System convened at 1:30 p.m. in Room 200 of the Utah County Courthouse, Provo, Utah.

Chairman Niels Andersen presided.

On roll call, the following were present:

Sherman A. Giles	Group 2	Upper Provo, East Heber Valley
Irwin O. Bowden	"	3 Upper Provo, West Heber Valley
Bert Fisher	"	4 Provo City Canals
Stanley H. Roberts	"	5 East Provo Canals
Niels Andersen, Chairman	"	6 Provo Bench Canals
John W. Gillman	"	7 Provo Reservoir Water Users Co.
Jack M. Gardner, Secy-Treas.	"	8 Provo River Water Users Assn.
Ernest Knight	"	9 Upper Provo Individual Rights

Absent:

J. Edwin Ure, Vice Chairman	Group 1	Kamas Valley Canals
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Present from State Engineer's Office were:

William L. Burton	Assistant District Engineer
Donald C. Norseth	Distribution Engineer
Frank Reese	Business Manager
Stanley Green	District Engineer

Also present were:

Hugh A. McKellar	Provo River Commissioner
B. Harold Mendenhall	Superintendent, Provo River Water Users Assn.
J. G. Haight	Utah Power and Light Company
Ronald L. Dean	Provo City
John Zirbes	Provo City Engineer
Parley R. Neeley	Provo City Consultant

Mr. Norseth opened the meeting, noting that the annual precipitation records show the Northern part of the State to be 150 to 200 percent above normal, with reservoir storage at about the same; that Pine View Reservoir had been drained to replace Ogden's Municipal Wells that are located in the bottom of the Reservoir; that storage had ceased on the Weber for flood control protection. Mr. Norseth further advised that there had been a change in the Area Engineer, that Mr. Stanley Green, who had been Area Engineer in the Ogden-Weber area, had now taken over the Provo-Utah Lake area and was assisted by Mr. W. L. Burton; that Bryce Montgomery, who had been Provo-Utah Lake Area Engineer, had joined the Division of Water Resources. Thereupon, he turned the meeting over to Chairman Andersen.

CORRECTION, ADOPTION OF MINUTES OF SPECIAL MEETING, JANUARY 15, 1970:

At the request of the Chairman, Secretary Gardner read the minutes of the

Special Meeting of the Directors of January 15, 1970.

There being no corrections, Director Roberts moved that the minutes be adopted, seconded by Director Bowden and adopted unanimously.

NEW DIRECTOR APPOINTED:

Chairman Andersen advised State Engineer Lambert that Group 4, Provo City Canals, had appointed Mr. Bert Fisher as its Director on the Board, replacing Mr. Glen Wright, past Director and formerly Provo City Engineer (now retired); that this appointment was to be confirmed at this meeting by Mr. John Zirbes as to whether the City Commission had any requirement that the City Engineer had to be the Provo City Canals' representative on the Board. Whereupon, Mr. Zirbes advised that he had checked and that there was no such requirement and so confirmed the appointment of Bert Fisher as the Provo City Canals' representative to the Board. He further advised that Mr. Fisher was an employee of Provo City in the capacity of evaluating the City water rights and water supply.

NOTIFICATION OF OFFICERS:

Chairman Andersen noted that at the annual meeting of the Board of Directors, a resolution was adopted wherein the Chairman, Vice Chairman, and Secretary-Treasurer were re-elected.

FINANCIAL REPORT OF 1970 OPERATIONS AND DELINQUENT ACCOUNTS:

A copy of the 1970 budget expenditures follows:

1970 Budget Item No.	Description of Budget Item:	Amount Approved for 1970	Total 1970 Expenditures
1.	Commissioner's Salary	\$ 6,700.00	\$ 6,700.00
1-A	Matching Social Security	321.60	321.60
1-F	Matching State Retirement	284.75	284.75
2.	Deputy Commissioner's Salary	5,300.00	5,300.00
2-A	Matching Social Security	254.40	254.40
2-F	Matching State Retirement	225.25	225.25
3.	Office Rent	180.00	180.00
4.	Travel Expense	1,500.00	(1,354.30)
4-A	Commissioner's Travel Exp. 10¢/mile		247.90
4-B	Dep. Comm. Travel Exp. 15¢/mile		1,106.40
5.	Field Equipment & Supplies	50.00	3.03
6.	Office Supplies & Equipment	200.00	63.93
7.	Commissioner's Annual Report (1969)	125.00	105.69
8.	Telephone Expense	150.00	(163.68) ^{1/2}
8-A	Commissioner's Telephone Expense		80.29
8-B	Dep. Comm. Telephone Expense		83.39

9.	Committee Expenses	400.00	193.60
10.	Bond and Insurance Premiums	100.00	80.09
11.	Miscellaneous Expenses	<u>64.00</u>	<u>14.04</u> ^{2/}
	TOTAL 1970 BUDGET	\$ 15,855.00	\$ 15,244.36
	TOTAL 1970 ASSESSMENT	14,700.00	

1/ Over-expended on authority of Resolution #84, 1968 Annual Water Users Meeting \$100.00

2/ Mailing expense of 1970 Assessment Notices

Mr. Reese noted that the delinquent accounts amounted to only \$263.57 and about two-thirds of this amount was from five accounts delinquent for five or more years. It was noted by Commissioner McKellar that the owner of the water right evidenced by Account 62 was deceased and that this right would be abandoned as the land had been sold in small lots.

Whereupon, Director Giles moved acceptance of the Financial Statement. Motion was seconded by Director Roberts and carried unanimously.

COMMISSIONER'S REPORT:

Commissioner McKellar reported that the lower Provo River delivered Class "A" rights at 100 percent all through the 1970 irrigation season, with the exception of the Provo Bench Canal, which was cut for a few days in August to replace over-drawn Deer Creek water; that there was not as much secondary water as in 1969, however. Deer Creek Reservoir filled June 1st and due to it having been drawn down in 1969, prevented flooding on the Provo below Deer Creek Dam and prevented Utah Lake from exceeding Compromise elevation; that 29,214 acre feet of water was diverted through the Weber Diversion Canal and 33,224 through the Duchesne Tunnel. Head-of-River storage reservoirs all filled with a total of 10,137 acre feet.

Commissioner McKellar complimented Deputy Commissioner Giles on his efficient distribution of the water in the Wasatch Division and voiced his appreciation to the State Engineer and the Board for their fine cooperation during the year.

Deputy Commissioner Giles noted that the Union Reservoir people had been working with the State Engineer and Forest Service in the repair operation of head-of-River storage reservoirs and were able to increase the storage by 100 acre feet by the addition of spillboards and this accounts for the increase in storage in these reservoirs.

The Wasatch Division, not having any storage reservoirs other than the head-of-River storage to level off the Provo River flow, cannot maintain 100 percent river as well as the lower Provo below Deer Creek Reservoir and cut to 65 percent in July. The River was distributed with very few problems.

Deputy Commissioner Giles expressed his appreciation to Commissioner McKellar and the State Engineer in their cooperative association during the year.

Whereupon, Director Gillman moved acceptance of the Commissioner's Report, seconded by Director Roberts and carried unanimously.

BUDGET AND ASSESSMENT, 1971:

Chairman Andersen advised that at the annual meeting of the Board that a

budget and assessment had been approved and adopted and asked Secretary Gardner to present the budget and assessment.

Secretary Gardner advised that the items of the 1971 budget would remain the same, except for the first six items and Items 6, 8, 9, and 11; that there had been given about a 5 percent raise in the Commissioner's and Deputy Commissioner's salaries. Item 1, Commissioner's Salary, was raised from \$6,700.00 to \$7,035.00; Item 2, Deputy Commissioner's Salary, was raised from \$5,300.00 to \$5,565.00; the matching Social Security of 5.2% and State Retirement of 4½%; Items 1-A and 1-F and 2-A and 2-F would be \$365.82 and \$298.99 and \$289.38 and \$236.51, respectively. Item 6 was adjusted from \$200.00 to \$150.00; Item 8 from \$150.00 to \$200.00; Item 9 from \$400.00 to \$350.00; and Item 11 from \$64.00 to \$64.30, to bring the 1971 budget to \$16,510.00, the approved amount.

Inasmuch as this budget would draw approximately \$1,810.00 from the Reserve Fund, leaving about \$3,900.00 in this Fund, the Assessment was increased from \$14,700.00 to \$16,000.00. The budget and assessment were accepted by the State Engineer.

A copy of the 1971 Budget follows:

1971
Budget

<u>Item No.</u>	<u>Description of Budget Item</u>	<u>Amount Approved</u>
1	Commissioner's Salary	\$ 7,035.00
1-C	Matching Social Security @ 5.2%	365.82
1-F	Matching State Retirement @ 4½%	298.99
2	Deputy Commissioner's Salary	5,565.00
2-C	River System's Matching Social Security	289.38
2-F	River System's Matching State Retirement	236.51
3	Commissioner's Office Rent Expense	180.00
4	Travel Expense	1,500.00
4-A	Commissioner's Travel Expense (10¢ mile)	
4-B	Deputy Commissioner's Travel Expense (15¢ mile)	
5	Field Equipment and Supplies	50.00
6	Office Equipment and Supplies	150.00
7	Commissioner's Annual Report	125.00
8	Telephone Expense	200.00
8-A	Commissioner's Telephone Expense	
8-B	Deputy Commissioner's Telephone Expense	
9	Committee Expenses	350.00
10	Bonds and Insurance Premiums	100.00
11	Miscellaneous Expenses	64.30
	Total 1971 Budget	\$ 16,510.00
	*Total 1971 Assessment	\$ 16,000.00

*Assessment set in the amount of \$16,000.00 and the overdraft of about \$510.00, depending on actual expenditures, to be drawn from the Reserve Fund, as of December 31, 1970, of \$5,704.93.

STATE ENGINEER ADVISED OF RECOMMENDATION OF COMMISSIONER AND DEPUTY COMMISSIONER:

Chairman Andersen advised State Engineer, representatives that at the annual meeting held the day before, and by proper resolution, Hugh A. McKellar was recommended for Provo River Water Commissioner and Sherman Giles was recommended for Deputy Commissioner. Whereupon, Mr. Norseth advised that the recommendations were accepted.

GAUGES INSTALLATION BY PROVO CITY:

Commissioner McKellar inquired of Mr. Norseth if he knew of the disposition of the two automatic recorders that the Distribution System had purchased; that he was under the impression that the former Commissioner had delivered one to Provo City Engineer and that the other one was never acquired from the State Engineer. Mr. Norseth advised that he would check into it and City Engineer Zirbes advised that he would make a search of his office to locate these gauges. Mr. Zirbes, also, advised that as soon as they were located that he would have them installed.

DISCUSSION BY MR. NORSETH:

Mr. Norseth noted that the State Auditor had requested that the State Water Distribution Systems Funds in trust with the State Engineer be invested the same as other reserve funds of the State Department and Division and following a general discussion, Director Gillman moved adoption of the following resolution:

RESOLVED, That the Provo River Distribution System share in income from investments of the River funds.

The motion was seconded by Director Giles and carried unanimously.

DISCUSSION BY MR. GREEN AND AREA ENGINEER:

Mr. Green advised that two underground water studies that were being made under the cooperative agreement with the United States Geological Survey and others covering the Utah Valley and Heber Valley were now completed and the report of these studies were available in the office of the State Engineer; that the findings in the Heber Valley study indicated 47,000 acre feet of water leaves Heber Valley and noted that with the construction of Jordanelle that this problem may change, affecting the lower Provo River.

UTAH POWER AND LIGHT TO RELEASE POWER WATER TO RIVER:

Mr. Neeley noted that the Utah Power and Light Company had agreed to bypass its diversion dam to the Olmstead with enough water to maintain fish life in the reach from its diversion dam to the confluence with its tailrace and the Provo River; that this release was in trade for some state land in the area where the Huntington Power Plant was to be constructed and was negotiated by Governor Rampton. Mr. Haight confirmed this and noted that the quantity had not yet been fixed.

PROVO RIVER NATURAL FLOW:

Director Roberts voiced his opinion *from Wayman data* that when there is more foreign water brought into the Provo River there is less natural flow; that Commissioner Wentz determined natural flow on a percentage basis and figuring the River on a percentage basis there is less natural flow now than there was then. It was pointed out by Commissioner McKellar that the natural flow of the Provo is

computed in the same manner as all the prior Commissioners had computed it since foreign water was brought to the Provo; that there is no way that foreign water could affect the natural flow and there are no records to substantiate loss of natural flow caused by foreign water or even a loss by precipitation change over a long period of time. Mr. Neeley concurred in this.

Mr. Mendenhall advised that actually the Weber River and Duchesne Tunnel water was contributing several thousand acre feet to natural flow of the Provo each year because they were being charged a 4 percent loss and actually the Provo River is a gaining river and no loss occurs on a gaining river other than the evaporation caused by the increase in water surface area which amounts to practically nothing; that the 4 percent was applied in the Provo River Decree to head-of-river storage, Ontario Drain Tunnel, and Shingle Creek water.

PROVO RIVER WATER USERS ASSOCIATION'S AND CENTRAL UTAH WATER CONSERVANCY DISTRICT'S POSITION ON BOARD:

Provo City Engineer inquired of the Provo River Water Users Association's and Central Utah Water Conservancy District's position on the Board and Mr. Mendenhall advised that the Provo River Water Users Association is a major water distributor on the Provo and pays an assessment amounting to about 25 percent of the River System's total assessment; that the Central Utah Water Conservancy District was not yet distributing any Provo River water, but that when it begins to distribute water under Central Utah Project, it will likely request representation.

ECOLOGY AND WATERWAYS LEGISLATION:

A general discussion followed, wherein, it was noted that the original bill controlling streams and stream banks was being amended so as to amend existing water laws; that the Provo River Water Users Association was taking the lead through its legal counsel in getting proper legislation, since it appeared that with everyone pushing for ecology, something would have to be done. It was noted that the Spanish Fork water users had been stopped from burning ditches under the anti-pollution laws.

ADJOURNMENT:

There being no further business, Director Giles moved adjournment and the motion, seconded by Director Bowden, carried unanimously. Meeting adjourned at 3:15 p.m.

Jack M. Gardner, Secretary